

REMARKS

At the outset, Applicants wish to thank the Examiner for acknowledging the allowance of claims 8 and 10.

With respect to the previously filed sequence listing, Applicants respectfully request that the paper copy of the sequence listing, filed October 23, 2003, be entered into the specification.

Claims 3 and 9 are amended herein. No new matter is submitted.

Rejections under 35 U.S.C. § 102

Claims 1-2, and 4-7 are rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,066,324 (Gissmann et al.).

Applicants note that claims 1-2 and 4-7 have been canceled to expedite prosecution of the instant case. Applicants, therefore, submit that said cancellation of the above-referenced claims renders the rejection moot. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the instant rejection.

Claims 1-2, and 4-7 are rejected under 35 U.S.C. § 102(b), as being anticipated by WO 96/11272 (Gissmann et al.).

Applicants note that claims 1-2 and 4-7 have been canceled to expedite prosecution of the instant case. Applicants, therefore, submit that said cancellation of the above-referenced claims renders the rejection moot. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the instant rejection.

Rejections under 35 U.S.C. § 112, Paragraph 2

Claims 2-4, 9, and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action states that claims 2 and 9 and dependent claims are indefinite for reciting the term “the HPV” because it is unclear what HPV is being referred to in these claims.

In response thereto, Applicants have amended claims 3 and 9 to clearly indicate that “the HPV” refers to HPV L2, eliminating any vagueness created by use of the term “the HPV.” Support for this amendment can be found, for example, in original claim 6. In addition, all elements of claims 1 and 2 have been incorporated into claim 3 to eliminate the dependency

on claims 1 and 2. Applicants assert that claims 3 and 9, and dependent claim 12, are in condition for allowance and respectfully request that the rejection of these claims be removed and the claims allowed.

The rejection of claims 2 and 4, under section 112, second paragraph is rendered moot in light of the above requested amendment, wherein the claims were canceled without prejudice.

With respect to the rejection of claim 3 under section 112, second paragraph, as lacking antecedent basis for the term "the L2 gene," it is respectfully submitted that the above amendment to claim 3 is sufficient to negate the grounds for the above rejection.

Conclusion

In view of the foregoing amendments and remarks, it is believed that the claims are in proper condition for allowance. Accordingly, Applicants respectfully request that all of the rejections be withdrawn and a Notice of Allowance be forwarded to the Applicants.

The Examiner is invited to contact Applicant's Attorney at the telephone number given below, if such would expedite the allowance of this application.

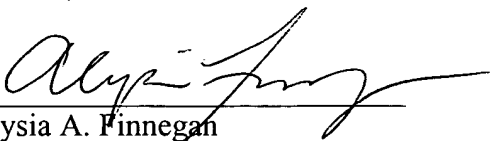
Favorable action is earnestly solicited.

CONDITIONAL PETITION

Applicant hereby makes a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to affect this Conditional Petition.

Respectfully submitted,

By



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